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COHEN MILSTEIN

November 10, 2022

VIA ECF

MEMO ENDORSED

The Honorable Katherine Polk Failla
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Iowa Pub. Emps.' Ret. Sys. et al. v. Bank of Am. Corp. et al.*, No. 17-cv-6221 (KPF)

Dear Judge Failla:

Section 9 of the Protective Order (Dkt. No. 150), as amended by the Supplemented Stipulated Protective Order (Dkt. No. 228), provides that for any filing that quotes or refers to discovery material that has been designated Confidential, Highly Confidential, or Highly Confidential Data, the party "shall request to file such documents or portions thereof containing or making reference to such material or information in redacted form or under seal." Consistent with the process this Court approved for such requests (Dkt. No. 408), the Parties now move for sealing or redaction of Plaintiffs' Reply in Further Support of their Limited Objection to Part IV.D of Magistrate Judge Cave's Report and Recommendation (Dkt. No. 615), Declaration of Daniel L. Brockett In Support of Plaintiffs' Limited Objection to Magistrate Judge Cave's Report and Recommendation (Dkt. No. 616), and Exhibit A to Plaintiffs' Reply (Dkt. No. 616-1) (collectively "Plaintiffs' Reply"). The Parties' justifications for sealing or redacting those materials under *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006), and its progeny are as follows.

Plaintiffs' Justifications and Designations

Plaintiffs' Reply quotes from, discusses, and makes reference to the substance of documents designated "Confidential" and "Highly Confidential" under the Parties' January 2, 2019 Protective Order (Dkt. No. 150). Such materials include trade secrets, other confidential research, development, or commercial information, and other private or competitively sensitive information, including personal data. Accordingly, Plaintiffs request that the marked portions of Plaintiffs' Reply dated October 20, 2022 be filed in redacted form. In addition, Plaintiffs request that Exhibit A to Plaintiffs' Reply (Dkt No. 616-1) be filed under seal. This is in accordance with Section 9 of the Protective Order, which provides that, for "papers containing or making reference to the substance of ["Confidential", "Highly Confidential", or "Highly Confidential Data"] material or information, [a Party] shall request to file such documents or portions thereof containing or making reference to such material or information in redacted form or under seal."

Plaintiffs' Reply likewise references materials previously entered in redacted form and/or under seal. *See e.g.*, Dkt. No. 432-39. Accordingly, Plaintiffs request that the marked portions of Plaintiffs' Reply be filed in redacted form and/or under seal, pursuant to *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006) and its progeny.

Defendants' Justifications and Designations

Plaintiffs' Reply quotes from, discusses, and refers to discovery material produced by Defendants subject to confidentiality designations, which include trade secrets, other confidential research, development, or commercial information, or other private or competitively sensitive information, including personal data. Accordingly, Defendants request that the marked portions of Plaintiffs' Reply be filed in redacted form and/or under seal, pursuant to *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006) and its progeny.

Respectfully submitted,

/s/ Michael B. Eisenkraft	*/s/ Daniel L. Brockett*
Michael B. Eisenkraft	Daniel L. Brockett
COHEN MILSTEIN SELLERS & TOLL PLLC	QUINN EMANUEL URQUHART & SULLIVAN, LLP

Application GRANTED. The Clerk of Court is directed to maintain docket entries 615 and 616, as well as Exhibit A to docket entry 616, under seal, viewable only to the parties and the Court.

The Clerk of Court is directed to terminate the motion at docket entry 624.

Dated: November 10, 2022
            New York, New York

SO ORDERED.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE